THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.4655 OF 2007

Dated 13th March 2007

Between:

Yalla Sree Venkata Satya Gangadhara
Subrahmanyeswara Rao & others

…Petitioners

and

The Joint Sub-Registrar (I),
District Registrar Office, Kakinada & others.

…Respondents

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O R D E R:

The petitioners claim that the 3rd respondent had transferred various extents of land in Sy.No.86/4 of Rameswaram village, Pedapudi Mandal of East Godavari District, by way of a gift, through separate documents, dated 28.3.2002. Alleging that the 3rd respondent had changed her mind and is trying to interfere with their possession over the land, they filed O.S.No.1310 of 2004, in the Court of I Additional Junior Civil Judge, Kakinada, for the relief of perpetual injunction. They obtained an order of temporary injunction, restraining the 3rd respondent from alienating the suit property. They also obtained a direction from the trial court, to communicate the order of temporary injunction, to the concerned registering authorities, the respondents 1 and 2. The suit is said to have been decreed ultimately

on 30.11.2004. The grievance of the petitioners is that even while the order of temporary injunction was in force, the 3rd respondent executed a sale deed in favour of 4th respondent, and the latter, in turn, transferred the property in favour of 5th respondent, through documents that were registered by respondents 1 and 2. They seek a declaration to the effect that the action of respondents 1 and 2, in registering the said document, is illegal and arbitrary, and a direction to the 8th respondent, to initiate action against respondents 1 and 2.

Heard the learned counsel for the petitioners.

Even assuming the facts presented through the affidavit filed in support of the writ petition, and submissions made by their learned counsel, are true, this court finds it difficult to grant the relief prayed for. Admittedly, the petitioners did not obtain any injunction, against respondents 1 and 2. It was only against the 3rd respondent, that they obtained an order of temporary injunction, restraining her from alienating the suit schedule property. The date, on which the said order was obtained, and the date, on which the 3rd respondent alienated the property in favour of the 4th respondent, assumes significance. Even if the transfer made by the 3rd respondent is in contravention of the order of temporary injunction, the remedy is elsewhere. It also becomes doubtful whether the interim order that operated against the

3rd respondent, would retain any significance, once the suit itself is decreed. Viewed from any angle, the relief cannot be granted.

Hence, the writ petition is dismissed, leaving it open to the petitioners, to work out their remedies in a civil court, through a

properly constituted suit. There shall be no order as to costs.

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13th March 2007

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